

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BILLY HOLMES; aka, BILLY RICHARDS	§	
TDCJ-CID NO.306701,	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. H-06-2037
	§	
JUSTIN SOWARD, <i>et al</i> ,	§	
Defendants.	§	

ORDER REGARDING MOTION TO PROCEED

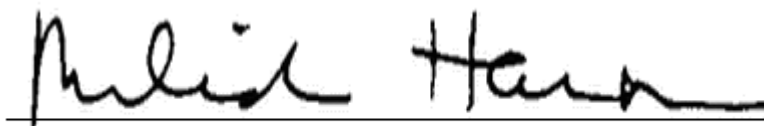
IN FORMA PAUPERIS ON APPEAL

On July 31, 2006, this Court dismissed plaintiff's civil rights action, pursuant to an order from the Fifth Circuit Court of Appeals barring plaintiff from filing a lawsuit, in which he seeks to proceed *in forma pauperis*, without advance written permission from a judge of the forum court. (Docket Entry No.11). Plaintiff has now filed a notice of appeal and an application to proceed *in forma pauperis* on appeal. (Docket Entry No.19). Because the Fifth Circuit's bar has not been lifted, plaintiff will not be allowed to proceed without prepayment of the appellate filing fee. It is therefore ORDERED that, within thirty (30) days of the date this order is entered, the plaintiff must submit the filing fee of \$455.00 for this appeal to proceed.

Plaintiff's application to proceed *in forma pauperis* (Docket Entry No.19) is DENIED.

The Clerk will provide a copy of this order by facsimile transmission, regular mail, or e-mail to the TDCJ - Office of the General Counsel, Capitol Station, P.O. Box 13084, Austin, Texas, 78711, Fax: 512-936-2159, the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, Fax: 936-437-4793, and the District Clerk for the Eastern District of Texas, 211 West Ferguson, Tyler, Texas 75702, Attention: Manager of the Three-strikes List.

SIGNED at Houston, Texas, this 31st day of October, 2006.

A handwritten signature in black ink, appearing to read "Melinda Harmon", is written over a horizontal line.

Melinda Harmon
United States District Judge